

10/524408

Atty. Dkt. No. 016906-0374

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

HEAT EXCHANGER ✓

(Attorney Docket No. 016906-0374)

the specification of which (check one)

_____ is attached hereto.

X was filed on August 7, 2003 as United States Application Number or PCT International Application Number PCT/EP2003/008778 and was amended on PCT/EP2003/08778 (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear,

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concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number | Country | Foreign Filing Date | Priority Claimed? | Certified Copy Attached? |
|----------------------------------|-----------------------------|---------------------|-------------------|--------------------------|
| 102 37 648.4 | Federal Republic of Germany | 13 August 2002 | Yes | |
| | | | | |
| | | | | |

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| U.S. Provisional Application Number | Filing Date |
|-------------------------------------|-------------|
| | |
| | |
| | |

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
|--------------------------------|-------------------------------|--------------------|----------------------|
| | | | |

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Atty. Dkt. No. 016906-0374

| | | | |
|--|--|--|--|
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| | | | |

I HEREBY APPOINT the registered attorneys and agents at Customer Number

22428

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Richard L. Schwaab
FOLEY & LARDNER LLP
Customer Number: 22428

Telephone: (202) 672-5414
Facsimile: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1-60 Name of first inventor

Peter GESKES

Residence

Stuttgart, Federal Republic of Germany DEX

Citizenship

Federal Republic of Germany ✓

Post Office Address

~~Bertholt-Brecht-Strasse 50~~ Theodor-Rothschild-Strasse 72
~~70469 Stuttgart~~ 73760 Ostfildern
 Federal Republic of Germany

Inventor's signature

Date

[Signature]
2.2.05

Atty. Dkt. No. 016906-0374

2-00 Name of second inventor

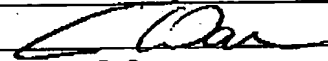
Residence

Citizenship

Post Office Address

Inventor's signature

Date

Christoph WALTERStuttgart, Federal Republic of GermanyFederal Republic of GermanyWerner-Haas-Weg 3270469 StuttgartFederal Republic of Germany03.02.05

3-00 Name of third inventor

Residence

Citizenship

Post Office Address

Inventor's signature

Date

Karl-Heinz STAFFAStuttgart, Federal Republic of GermanyFederal Republic of GermanyBalinger Strasse 7970567 StuttgartFederal Republic of Germany03.02.05

Rec'd PCT/PTO 14 FEB 2005

Declaration of Power of Attorney For Patent Application
 Erklärung Für Patentanmeldungen Mit Vollmacht
 German Language Declaration

1524408

Als nachstehend benannter Erfinder erkläre ich hiermit an
 Eides Statt:

As a below named inventor, I hereby declare that:

dass mein Wohnsitz, meine Postanschrift, und meine
 Staatsangehörigkeit den im Nachstehenden nach meinem
 Namen aufgeführten Angaben entsprechen,

My residence, post office address and citizenship are as stated
 below next to my name,

dass ich, nach bestem Wissen der ursprüngliche, erste und
 alleinige Erfinder (falls nachstehend nur ein Name angegeben
 ist) oder ein ursprünglicher, erster und Miterfinder (falls
 nachstehend mehrere Namen aufgeführt sind) des
 Gegenstandes bin, für den dieser Antrag gestellt wird und für
 den ein Patent beantragt wird für die Erfindung mit dem Titel:

I believe I am the original, first and sole inventor (if only one
 name is listed below) or an original, first and joint inventor (if
 plural names are listed below) of the subject matter which is
 claimed and for which a patent is sought on the invention
 entitled

HEAT EXCHANGER

HEAT EXCHANGER

deren Beschreibung

the specification of which

(zutreffendes ankreuzen)

(check one)

☐ hier beigefügt ist.

☐ is attached hereto.

☒ am August 7, 2003 unter der

☒ was filed on August 7, 2003 as

Anmeldungsseriennummer PCT/EP2003/008778

Application Serial No. PCT/EP2003/008778

eingereicht wurde und am abgeändert wurde

and was amended on _____
 (if applicable).

_____ (falls tatsächlich abgeändert).

Ich bestätige hiermit, dass ich den Inhalt der obigen
 Patentanmeldung einschliesslich der Ansprüche durchgesehen
 und verstanden habe, die eventuell durch einen Zusatzantrag
 wie oben erwähnt abgeändert wurde.

I hereby state that I have reviewed and understand the
 contents of the above identified specification, including the
 claims, as amended by any amendment referred to above.

Ich erkenne meine Pflicht zur Offenbarung irgendwelcher
 Informationen, die für die Prüfung der vorliegenden
 anmeldung in Einklang mit Absatz 37, Bundesgesetzbuch,
 Paragraph 1.56(a) von Wichtigkeit sind, an.

I acknowledge the duty to disclose information which is
 material to the examination of this application in accordance
 with Title 37, Code of Federal Regulations, §1.56(a).

Ich beanspruche hiermit ausländische Prioritätsvorteile
 gemäss Abschnitt 35 der Zivilprozessordnung der Vereinigten
 Staaten, Paragraph 119 aller unten angegebenen
 Auslandsanmeldungen für ein Patent oder eine
 Erfindersurkunde, und habe auch alle Auslandsanmeldungen
 für ein Patent oder eine Erfindersurkunde nachstehend
 gekennzeichnet, die ein Anmeldedatum haben, das vor dem
 Anmeldedatum der Anmeldung liegt, für die Priorität
 beansprucht wird.

I hereby claim foreign priority benefits under Title 35, United
 States Code, §119 of any foreign application(s) for patent or
 inventor's certificate listed below and have also identified
 below any foreign application for patent or inventor's
 certificate having a filing date before that of the application on
 which priority is claimed:

BEST AVAILABLE COPY

Declaration and Power of Attorney For Patent Application
Erklärung und Vollmacht Für Patentanmeldungen Mit Vollmacht
German Language Declaration

Prior foreign applications
Priorität beansprucht

| | |
|---------------------|------------------------------------|
| <u>102 37 648.4</u> | <u>Federal Republic of Germany</u> |
| (Number) | (Country) |
| (Nummer) | (Land) |
| | |
| | |
| (Number) | (Country) |
| (Nummer) | (Land) |
| | |
| | |
| (Number) | (Country) |
| (Nummer) | (Land) |

13 August 2002
 (Day/Month/Year Filed)
 (Tag/Monat/Jahr eingereicht)

Priority Claimed

☒ ☐
 Yes No
 Ja Nein

(Day/Month/Year Filed)
 (Tag/Monat/Jahr eingereicht)

☐ ☐
 Yes No
 Ja Nein

(Day/Month/Year Filed)
 (Tag/Monat/Jahr eingereicht)

☐ ☐
 Yes No
 Ja Nein

Ich beanspruche hiermit Prioritätsvorteile unter Title 35, US-Code, § 119(e) aller US-Hilfsanmeldungen wie unten aufgezählt.

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

(Application Serial No.) (Filing Date)
 (Anmeldeseriennummer) (Anmeldedatum)

(Application Serial No.) (Filing Date)
 (Anmeldeseriennummer) (Anmeldedatum)

Ich beanspruche hiermit gemäss Absatz 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 120, den Vorzug aller unten aufgeführten Anmeldungen und falls der Gegenstand aus jedem Anspruch dieser Anmeldung nicht in einer früheren amerikanischen Patentanmeldung laut dem ersten Paragraphen des Absatzes 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 112 offenbart ist, erkenne ich gemäss Absatz 37, Bundesgesetzbuch, Paragraph 1.56(a) meine Pflicht zur Offenbarung von Informationen an, die zwischen dem Anmeldedatum der früheren Anmeldung und dem nationalen oder PCT internationalen Anmeldedatum dieser Anmeldung bekannt geworden sind.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (Filing Date)
 (Anmeldeseriennummer) (Anmeldedatum)

(Status) (Status)
 (patentiert, anhängig, (patented, pending,
 aufgegeben) abandoned)

(Application Serial No.) (Filing Date)
 (Anmeldeseriennummer) (Anmeldedatum)

(Status) (Status)
 (patentiert, anhängig, (patented, pending,
 aufgegeben) abandoned)

Ich erkläre hiermit, dass alle von mir in der vorliegenden Erklärung gemachten Angaben nach meinem besten Wissen und Gewissen der vollen Wahrheit entsprechen, und dass ich diese eidesstattliche Erklärung in Kenntnis dessen abgebe, dass wissentlich und vorsätzlich falsche Angaben gemäss Paragraph 1001, Absatz 18 der Zivilprozessordnung der Vereinigten Staaten von Amerika mit Geldstrafe belegt und/oder Gefängnis bestraft werden koennen, und dass

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued

Declaration and Power of Attorney For Patent Application
Erklärung Für Patentanmeldungen Mit Vollmacht
German Language Declaration

derartig wissentlich und vorsätzlich falsche Angaben die
 Gültigkeit der vorliegenden Patentanmeldung oder eines
 darauf erteilten Patentes gefährden können.

VERTRETUNGSVOLLMACHT: Als benannter Erfinder
 beauftrage ich hiermit den nachstehend benannten
 Patentanwalt (oder die nachstehend benannten
 Patentanwälte) und/oder Patent-Agenten mit der Verfolgung
 der vorliegenden Patentanmeldung sowie mit der
 Abwicklung aller damit verbundenen Geschäfte vor dem
 Patent- und Warenzeichenamt: (Name und
 Registrierungsnummer anführen): **CUSTOMER NO. 22428**

Pavan K. Agarwal, Reg. No. 40,888; George C. Beck, Reg. No. 38,072; Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; Beth A. Burrous, Reg. No. 35,087; Alan I. Cantor, Reg. No. 28,163; William T. Ellis, Reg. No. 26,874; John J. Feldhaus, Reg. No. 28,822; Michael D. Kaminski, Reg. No. 32,094; Mary Michelle Kile, Reg. No. 35,217; Kenneth E. Krosin, Reg. No. 25,735; Glenn Law, Reg. No. 34,371; Peter G. Mack, Reg. No. 26,001; Stephen B. Maebius, Reg. No. 35,264; Brian J. McNamara, Reg. No. 32,789; Richard C. Peet, Reg. No. 35,792; George E. Quillin, Reg. No. 32,792; Andrew E. Rawlins, Reg. No. 34,702; Bernhard D. Saxe, Reg. No. 28,665; Richard L. Schwaab, Reg. No. 25,479; Michele M. Simkin, Reg. No. 34,717; Harold C. Wegner, Reg. No. 25,258.

Telefongesprache bitte richten an:

(Name und Telefonnummer)

RICHARD L. SCHWAAB (202) 672-5300
CUSTOMER NO. 22428

Postanschrift: **FOLEY & LARDNER LLP**
 3000 K Street, N.W., Suite 500
 Washington, D.C. 20007-5109
CUSTOMER NO. 22428

POWER OF ATTORNEY: As a named inventor, I hereby
 appoint the following attorney(s) and/or agent(s) to prosecute
 this application and transact all business in the Patent and
 Trademark Office connected therewith. (List name and
 registration number): **CUSTOMER NO. 22428**

Pavan K. Agarwal, Reg. No. 40,888; George C. Beck, Reg. No. 38,072; Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; Beth A. Burrous, Reg. No. 35,087; Alan I. Cantor, Reg. No. 28,163; William T. Ellis, Reg. No. 26,874; John J. Feldhaus, Reg. No. 28,822; Michael D. Kaminski, Reg. No. 32,094; Mary Michelle Kile, Reg. No. 35,217; Kenneth E. Krosin, Reg. No. 25,735; Glenn Law, Reg. No. 34,371; Peter G. Mack, Reg. No. 26,001; Stephen B. Maebius, Reg. No. 35,264; Brian J. McNamara, Reg. No. 32,789; Richard C. Peet, Reg. No. 35,792; George E. Quillin, Reg. No. 32,792; Andrew E. Rawlins, Reg. No. 34,702; Bernhard D. Saxe, Reg. No. 28,665; Richard L. Schwaab, Reg. No. 25,479; Michele M. Simkin, Reg. No. 34,717; Harold C. Wegner, Reg. No. 25,258.

Direct Telephone calls to:

(Name and telephone number)

RICHARD L. SCHWAAB (202) 672-5300
CUSTOMER NO. 22428

Send Correspondence to: **FOLEY & LARDNER LLP**
 3000 K Street, N.W., Suite 500
 Washington, D.C. 20007-5109
CUSTOMER NO. 22428

| | |
|---|--|
| Voller Name des einzigen oder ursprünglichen Erfinders: Peter GESKES Unterschrift des Erfinders <i>[Signature]</i> Datum 2.2.05 | Full name of sole or first inventor: Peter GESKES Inventor's signature <i>[Signature]</i> Date 2.2.05 |
| Wohnsitz: Stuttgart, Federal Republic of Germany Staatsangehörigkeit: Federal Republic of Germany Postanschrift: Theodor-Rothschild-Str. 72, 73760 Ostfildern Bertholt-Brecht-Strasse 50, 70469 Stuttgart Federal Republic of Germany | Residence: Stuttgart, Federal Republic of Germany Citizenship: Federal Republic of Germany Post Office Address: Theodor-Rothschild-Str. 72, 73760 Ostfildern Bertholt-Brecht-Strasse 50, 70469 Stuttgart Federal Republic of Germany |
| Voller Name des zweiten Miterfinders (falls zutreffend): Christoph WALTER Unterschrift des Erfinders <i>[Signature]</i> Datum 03.02.05 | Full name of second joint inventor, if any: Christoph WALTER Second inventor's signature <i>[Signature]</i> Date 03.02.05 |
| Wohnsitz: Stuttgart, Federal Republic of Germany Staatsangehörigkeit: Federal Republic of Germany Postanschrift: Werner-Haas-Weg 32, 70469 Stuttgart Federal Republic of Germany | Residence: Stuttgart, Federal Republic of Germany Citizenship: Federal Republic of Germany Post Office Address: Werner-Haas-Weg 32, 70469 Stuttgart Federal Republic of Germany |

(Bitte entsprechende Informationen und Unterschriften im
 Falle von dritten und weiteren Miterfindern angeben.)

(Supply similar information and signature for third and
 subsequent joint inventors.)

Declaration and Power of Attorney For Patent Application
Erklärung und Vollmacht für Patentanmeldungen Mit Vollmacht
German Language Declaration

| | | | |
|---|----------|---|------|
| Voller Name des dritter miterfinders (falls zutreffend): | | Full name of third joint inventor, if any: | |
| Karl-Heinz STAFFA | 03.02.05 | Karl-Heinz STAFFA | |
| Unterschrift des Erfinders | Datum | Third inventor's signature | Date |
| <i>Karl-Heinz Staffa</i> | | <i>Karl-Heinz Staffa</i> | |
| Wohnsitz | | Residence | |
| Stuttgart, Federal Republic of Germany | | Stuttgart, Federal Republic of Germany | |
| Staatsangehörigkeit | | Citizenship | |
| Federal Republic of Germany | | Federal Republic of Germany | |
| Postanschrift | | Post Office Address | |
| Balingen Strasse 79, 70567 Stuttgart Federal Republic of Germany | | Balingen Strasse 79, 70567 Stuttgart Federal Republic of Germany | |
| Voller Name des vierter miterfinders (falls zutreffend): | | Full name of fourth joint inventor, if any: | |
| Unterschrift des Erfinders | | Fourth inventor's signature | |
| Datum | | Date | |
| Wohnsitz | | Residence | |
| Staatsangehörigkeit | | Citizenship | |
| Postanschrift | | Post Office Address | |
| Voller Name des fünfter miterfinders (falls zutreffend): | | Full name of fifth joint inventor, if any: | |
| Unterschrift des Erfinders | | Fifth inventor's signature | |
| Datum | | Date | |
| Wohnsitz | | Residence | |
| Staatsangehörigkeit | | Citizenship | |
| Postanschrift | | Post Office Address | |
| Voller Name des sechster miterfinders (falls zutreffend): | | Full name of sixth joint inventor, if any: | |
| Unterschrift des Erfinders | | Sixth inventor's signature | |
| Datum | | Date | |
| Wohnsitz | | Residence | |
| Staatsangehörigkeit | | Citizenship | |
| Postanschrift | | Post Office Address | |